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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1426 OF 2016
IN
WRIT PETITION NO. 8934 OF 2013**

Shubhangi Shrikant Birje ...Applicant

Vs.

State of Maharashtra & Ors. ...Respondents

Mr. R.K. Mendadkar, advocate for the Applicant /Petitioner

Mr. Asif Patel, AGP for Respondent Nos. 1 to 3

Mr. S.B. Shetye, Advocate for Respondent No.5

Mr. Tanaji Patil, Law Officer present

**CORAM : SHANTANU S. KEMKAR &
M.S. KARNIK, JJ.**

DATED : 1ST JULY, 2016

PC. :

Parties through their Counsel. Through this Petition the Petitioner has challenged the order dated 20th September, 2013 passed by the Caste Scrutiny Committee. According to the Petitioner while deciding the Petitioner's case the Caste Scrutiny Committee though held that the Petitioner belongs to "Vaishya Wani" category, but held that as the Petitioner is not of "Wani" category and as such he cannot be said to be included in OBC category.

2. Learned Counsel for the Petitioner submits that after passing of the impugned order the State Government has issued the Government Resolution (G.R) dated 14th September, 2014 whereby making this position clear. He, therefore, submits that in view of this subsequent development the order of the Caste Scrutiny Committee may be set aside and the matter may be remitted back for deciding the issue afresh.

3. Learned AGP on instructions from the Law Officer Mr. Tanaji Patil has not disputed the aforesaid statement that a G.R dated 14th September, 2014 has been issued by the State Government.

4. In the circumstances we are inclined to dispose of this Petition by setting aside the impugned order and by directing the Caste Scrutiny Committee to reconsider the Petitioner's claim keeping in view the G.R dated 14th September, 2014.

5. Let a fresh decision as aforesaid be taken by the Caste Scrutiny Committee within 3 months from the date of receipt of copy of this order.

6. With the aforesaid direction the Civil Application as well as the Writ Petition are disposed of.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)